

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
AVRAHAM KAHAN

Plaintiff,

V.

RAPHAEL STEIN,

Defendant.

CIVIL ACTION

No. 7:24-cv-03688-CS

~~proposed~~ **DEFAULT JUDGMENT**

This action having been commenced on May 13, 2024, by the filing of the Summons and Complaint; and a copy of the Summons and Complaint having been personally served on the defendant, RAPHAEL STEIN on June 1, 2024, by affixing same to the door of his residence and mailing same to his residence; and a proof of service having been filed on June 17, 2024, and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338 to the extent the complaint raises claims under the Trademark Act of 1946, 15 U.S.C. § 1051, et seq.; and pursuant to 28 U.S.C. §§ 1367 and 1338(b) as to the state-law claim. The Court has personal jurisdiction over the Defendant.

2. Defendant is found liable for false endorsement in accordance with 15 U.S.C. § 1125(a); cybersquatting in accordance with 15 U.S.C. § 1125(d); and violations of N.Y. Civil Rights Law §§ 50, 51.

3. Defendant RAPHAEL STEIN, his agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, are hereby enjoined and restrained

from any use of the name Avi Kahan or any colorable imitation thereof in any internet posting, internet domain name, advertising or other use which may confuse or deceive the public.

4. The domain registrar namecheap.com, or any other domain name registrar having control over the domain name *avikahan.com*, immediately transfer same to plaintiff Avraham Kahan, through its counsel Efrem Schwalb, Esq., Koffsky Schwalb LLC, 500 Seventh Avenue 8th Floor, New York, NY 10018, eschwalb@koffskyschwalb.com. Defendant RAPHAEL STEIN is ordered to cooperate with the transfer of such domain name and to execute any necessary documents to effect such transfer.

White Plains
Dated: New York, New York

9/19/24

Cathy Siebel

Hon. Cathy Siebel, United States District Judge

Entered on the docket: _____, 2024